

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Clark R. Baker, Jr.

Serial No.: 10/796,584

Filed: March 8, 2004

For: Method and Apparatus for Optical
Detection of Mixed Venous and
Arterial Blood Pulsation in Tissue

§ Confirmation No.: 1106

§ Group Art Unit: 3737

§ Examiner: Ramirez, John Fernando

§ Atty. Docket: TYHC:0149/FLE/POW
P0409R

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37 C.F.R. 1.8

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February 9, 2010	/W. Allen Powell/
Date	W. Allen Powell

**REPLY UNDER 37 C.F.R. § 1.111 AND REQUEST TO
REOPEN PROSECUTION IN ACCORDANCE WITH 37 C.F.R. § 41.39 (b)**

This Reply is being filed in response to the Supplemental Examiner's Answer filed on December 18, 2009. Contrary to the requirements of 37 C.F.R. § 41.43(a)(2) and M.P.E.P. § 1207.05, the Supplemental Examiner's Answer included new grounds of rejection, which included a newly cited reference. Accordingly, as set forth in 37 C.F.R. § 41.39(b) and M.P.E.P. § 1207.03, the Appellant respectfully requests that prosecution be reopened and submits the present reply under 37 C.F.R. § 1.111.